

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MONICA PERRYMAN
Plaintiff,

2007 JAN 24 P 5:09

v.

FIRST UNITED METHODIST CHURCH
AND DARLENE MAYE,
Defendants.

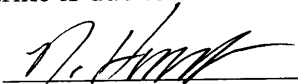
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* Civil Action No.:2:06-cv-216-MET
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PERRYMAN'S RESPONSE TO THE DEFENDANTS'
MOTION TO STRIKE PLAINTIFF'S RESPONSE

COMES NOW, the Plaintiff, Monica Perryman , and pursuant to the order of this Honorable Court, and show's why the defendants' motion to strike should be hereby denied and says as follows:

Procedurally the defendants are not entitle to use the method as employed to strike the responsive pleading of the plaintiff. Federal Rule 12(b)(f) says that "Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon the party or upon the court's own initiative at any time, the court may order stricken form ay pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." A Rule 12(f) motion to strike is appropriate to challenge redundant, immaterial, impertinent, or scandalous matter or to test the sufficiency of an opponent's defense. It is clear here procedurally the defendants have employed the wrong method in by which to dismiss the response of Perryman. Further even if this were procedurally correct nothing in their motion points to what is redundant, immaterial, impertinent, or scandalous.

WHEREFORE, the Defendants' motion to strike is due to be denied.



Norman Hurst, Jr., (HUR016)

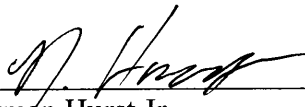
Attorney for the Plaintiff
462-A Sayre Street
Montgomery, Alabama 36104
(334)269-6449

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing response was served on the following by mailing copies of same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to assure delivery, addressed as follows:

Honorable Brett Garrett
184 Commerce Street
Montgomery, Alabama 36101

This 24th day of January, 2007



Norman Hurst Jr.